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Attorneys for Plaintiffs

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

CHRISTIAN LOUBOUTIN S.A.; CHRISTIAN
LOUBOUTIN, L.L.C.; and CHRISTIAN
LOUBOUTIN,

Plaintiffs/Counterclaim-Defendants,

v.

YVES SAINT LAURENT AMERICA, INC.;
YVES SAINT LAURENT AMERICA
HOLDING, INC.; YVES SAINT LAURENT
S.A.S.; YVES SAINT LAURENT (an
unincorporated association); JOHN AND JANE
DOES A-Z (UNIDENTIFIED); and XYZ
COMPANIES 1-10 (UNIDENTIFIED),

Defendants/Counterclaim-Plaintiffs.

X Civil Action No.: 11 Civ. 2381 (VM)
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NOTICE OF MOTION
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PLEASE TAKE NOTICE that upon the Complaint dated April 7, 2011, the Declaration of Roman Khaykin dated April 4, 2011 and the exhibits thereto, the Supplemental Declaration of Roman Khaykin dated June 20, 2011 and the exhibits thereto, the declaration of Robert Klein dated June 21, 2011 and the exhibits thereto, the Declaration of Alexis Mourot dated April 5,

2011 and the exhibits thereto, the Declaration of Shawna Rose dated April 6, 2011 and the exhibits thereto, the Declaration of Kristina Musailov dated April 6, 2011 and the exhibits thereto, the Declaration of Kara Pfaffenbach dated April 5, 2011, the Declaration of Harley I. Lewin dated June 21, 2011 and the exhibits thereto (filed under seal pursuant to Stipulation and Protective Order), the Amended Memorandum of Law in Support of Plaintiffs' Application for a Preliminary Injunction dated June 21, 2011, the Stipulated Discovery and Briefing Schedule for Preliminary Injunction Motion dated April 21, 2011, the Amended Stipulated Discovery and Briefing Schedule for Preliminary Injunction Motion dated June 15, 2011, and all prior pleadings herein, Plaintiffs Christian Louboutin S.A., Christian Louboutin, L.L.C., and Christian Louboutin (collectively, "Plaintiffs"), by and through their attorneys, McCarter & English, LLP, will move this Court, in Courtroom 20B of the Daniel Patrick Moynihan United States Courthouse, 500 Pearl Street, New York, New York, on July 22, 2011 at 3:30 p.m., or at such other date and time specified by the Court, for an Order pursuant to Fed. R. Civ. P. 65 enjoining Defendants during the pendency of this action from:

- a) using in any manner Plaintiffs' federally registered distinctive red outsole (the "Red Sole Mark") or any other mark or footwear outsole which so resembles the Red Sole Mark as to be likely to cause confusion, deception, or mistake on or in connection with the manufacture, distribution, promotion, offer for sale, and sale of any product not emanating from Plaintiffs or not authorized by Plaintiffs to be sold in connection with the Red Sole Mark;
- b) passing off, inducing, or enabling others to sell or pass off any product as and for products produced by Plaintiffs, which are not in fact Plaintiffs' products, or not produced under the control and supervision of Plaintiffs and approved by Plaintiffs for sale under Plaintiffs' Red Sole Mark;
- c) committing any acts calculated to cause consumers to believe that Defendants' products are sold under the control or supervision of Plaintiffs, or sponsored or approved by, connected with, guaranteed by, or produced under the control and supervision of Plaintiffs;

- d) further diluting and infringing Plaintiffs' Red Sole Mark and damaging Plaintiffs' reputation and its goodwill in the Red Sole Mark;
- e) otherwise competing unfairly with Plaintiffs in any manner;
- f) shipping, delivering, transferring, or otherwise disposing of, in any manner, products or inventory which bear Plaintiffs' Red Sole Mark or any mark confusingly similar thereto; and
- g) for such other and further relief as the Court deems just and proper.

PLEASE TAKE FURTHER NOTICE that pursuant to the Amended Stipulated Discovery and Briefing Schedule for Preliminary Injunction Motion dated June 15, 2011, opposition papers, if any, shall be served no later than July 12, 2011, and reply papers, if any, shall be served no later than July 19, 2011.

Dated: June 21, 2011

McCARTER & ENGLISH, LLP

By: /s/Lee Carl Bromberg
Harley I. Lewin
Lee Carl Bromberg

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